

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN LEVINE,

Plaintiff,

v.

STATE OF NEW JERSEY et al.,

Defendants.

Civ. Action No. 06-1394 (KSH)

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

This matter comes before the Court upon Report and Recommendation by Magistrate Judge Shwartz [D.E. #46] dated October 22, 2008, which recommends striking the putative amended complaint filed by plaintiff Levine on August 29, 2008 [D.E. #43]. The Court recognizes that the order was received by Levine, via certified mail, and that there have been no objections—timely or otherwise—from him or any other party to date.

The Court agreeing fully with Magistrate Judge Shwartz's Report and Recommendation, and with good cause appearing;

IT IS on this 23th day of December, 2008,

ORDERED that the Report and Recommendation of Magistrate Judge Shwartz [D.E. #46] is **ADOPTED** in full and incorporated as the Opinion of this Court; and it is further

ORDERED that plaintiff Levine's amended complaint [D.E. # 43] be **stricken**.

/s/ Katharine S. Hayden
HON. KATHARINE S. HAYDEN
UNITED STATES DISTRICT JUDGE

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

St	BENJAMIN LEVINE
St	3 CORNWALL DRIVE
or	
Cit	EAST BRUNSWICK, NJ 08816

PS Form 3800, August 2006 See Reverse for Instructions

STATE OF NEW JERSEY,

Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 06-1394(KSH)

REPORT AND RECOMMENDATION

I. INTRODUCTION

This matter comes before the Court upon its review of the docket. The docket shows that an Amended Complaint has been filed. For the reasons set forth herein, the Undersigned recommends that the United States District Judge strike the Amended Complaint.

II. PROCEDURAL HISTORY

On March 23, 2006, Benjamin Levine ("Levine") filed a notice of removal in which he sought to remove to this Court a criminal case filed against him in the New Jersey Superior Court. Docket No. 1. By way of Order entered June 8, 2006, the Hon. Katharine S. Hayden dismissed the removal petition. Docket No. 5. On July 13, 2006, Levine filed a notice of appeal of this Order and an application to extend the deadline to file the appeal. Docket Nos. 7 and 8. On July 25, 2006, the application to extend was granted. Docket No. 11. The Court of Appeals for the Third Circuit remanded the case for resolution of a motion to reopen the period to file an appeal under Fed. R. App. P. 4(a)(6). See Docket No. 14.

On February 7, 2007, the District Court denied Levine's Rule 4(a)(6) motion. Docket No.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Benjamin Levine
3 Cornwall Drive
East Brunswick, NJ 08816

PS Form 3800, August 2005

See Reverse for Instructions

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 06-1394(KSH)

REPORT AND RECOMMENDATION

Defendant

I. INTRODUCTION

This matter comes before the Court upon its review of the docket. The docket shows that an Amended Complaint has been filed. For the reasons set forth herein, the Undersigned recommends that the United States District Judge strike the Amended Complaint.

II. PROCEDURAL HISTORY

On March 23, 2006, Benjamin Levine ("Levine") filed a notice of removal in which he sought to remove to this Court a criminal case filed against him in the New Jersey Superior Court. Docket No. 1. By way of Order entered June 8, 2006, the Hon. Katharine S. Hayden dismissed the removal petition. Docket No. 5. On July 13, 2006, Levine filed a notice of appeal of this Order and an application to extend the deadline to file the appeal. Docket Nos. 7 and 8. On July 25, 2006, the application to extend was granted. Docket No. 11. The Court of Appeals for the Third Circuit remanded the case for resolution of a motion to reopen the period to file an appeal under Fed. R. App. P. 4(a)(6). See Docket No. 14.

On February 7, 2007, the District Court denied Levine's Rule 4(a)(6) motion. Docket No.

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 7731 3625

Detailed Results:

- Delivered, October 25, 2008, 1:23 pm, EAST BRUNSWICK, NJ 08816
- Notice Left, October 24, 2008, 10:57 am, EAST BRUNSWICK, NJ 08816

[< Back](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



As an Equal Opportunity Employer, we are committed to providing a workplace free of discrimination.



We are committed to providing a workplace free of discrimination.